

# Argentina

## Incidence and Nature of Child Labor

An estimated 20.7 percent of children ages 10 to 14 were counted as working in Argentina in 1997. Approximately 25.4 percent of all boys 10 to 14 were working compared to 16 percent of girls in the same age group.<sup>184</sup> The labor force participation rates of children are slightly higher in rural than urban areas, but the Government of Argentina reports that rates of child labor have gone down in rural areas and have increased in urban areas.<sup>185</sup> Children work in agriculture in the production of flowers, garlic, strawberries, and tomatoes. In some cases, children are involved in the application of pesticides.<sup>186</sup> In urban areas, children are engaged in begging, domestic service in third-party homes, food preparation, street sales, and trash recycling. They also work in small and medium businesses and workshops and perform odd jobs such as washing car windshields and shining shoes.<sup>187</sup> Child labor is one of many problems associated with poverty. In 2001, 3.3 percent of the population in Argentina were living on less than USD 1 a day.<sup>188</sup>

Children in Argentina are exploited in prostitution, pornography, sex tourism, and drug trafficking.<sup>189</sup> Children are trafficked to Argentina mainly from Paraguay, but also from the Dominican Republic, Colombia and Bolivia for commercial sexual exploitation.<sup>190</sup>

Education is free and compulsory in Argentina for 10 years, beginning at age 5.<sup>191</sup> In 2002, the gross primary enrollment rate was 119 percent.<sup>192</sup> Gross enrollment ratios are based on the number of students

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<sup>184</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

<sup>185</sup> Ministry of Labor, Employment, and Social Security, *Actualización diagnóstica del trabajo infantil en la Argentina*, IPEC, 2002, 151; available from [http://www.conaeti.gov.ar/que\\_es/files/act\\_diag.pdf](http://www.conaeti.gov.ar/que_es/files/act_diag.pdf). See also CONAETI, *Trabajo infantil rural*, [online] July 14, 2003 [cited May 25, 2005], Article 189; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/rural.htm#arriba](http://www.trabajo.gov.ar/conaeti/que_es/rural.htm#arriba). See also CONAETI, *Trabajo infantil urbano*, [online] July 14, 2003 [cited May 25, 2005]; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/urbano.htm](http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm). CONAETI is the country's National Commission for the Eradication of Child Labor.

<sup>186</sup> CONAETI, *Trabajo infantil rural*. See also Government of Argentina, *Report filed with the ILO under Article 22 of the ILO Constitution for the period ending June 30, 2004*, Buenos Aires, August 12, 2004.

<sup>187</sup> CONAETI, *Trabajo infantil urbano*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Argentina*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41746.htm>. See also International Organization for Migration, *Argentina- Eradicating Child Labor in Informal Waste Collection and Improving Adult Working Conditions*, [online] 2005 [cited October 26, 2005]; available from <http://www.iom.int/en/news/PBN300905.shtml#item2>. See Section 2 of this country profile for information on minimum age of work for domestics in Argentina.

<sup>188</sup> World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

<sup>189</sup> CONAETI, *Trabajo infantil urbano*. See also U.S. Department of State, *Country Reports- 2004: Argentina*, Section 6d. See also ECPAT International CSEC Database, [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp) (Argentina; accessed May 26, 2005). According to a 2001 report from UNICEF, children are exploited in prostitution in a variety of situations, including in massage parlors, brothels, and on the street. See UNICEF, *La niñez prostituida: Estudio sobre la explotación sexual comercial infantil en la Argentina*, Buenos Aires, October 2001, 35.

<sup>190</sup> U.S. Department of State official, email communication to USDOL official, August 9, 2006..

<sup>191</sup> This includes 1 year of pre-primary education, and 9 years of basic education. See Government of Argentina, *Ley Federal de Educación*, No. 24.195, (1993), Articles 10 and 39; available from <http://www.me.gov.ar/leyfederal/>.

formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1997, 96.6 percent of children ages 5 to 14 years were attending school.<sup>193</sup> As of 2001, 92 percent of children who started primary school were likely to reach grade 5.<sup>194</sup> Access to schooling is limited in some rural areas of the country.<sup>195</sup> Children who work during harvests also often miss school.<sup>196</sup>

## Child Labor Laws and Enforcement

The Law on Labor Contracts sets the minimum age for employment at 14 years. In addition, a government regulation specifically prohibits the employment of children less than 14 in domestic service.<sup>197</sup> However, the law allows children under 14 years to work in family businesses as long as such work is not hazardous, and the National Regulation on Farm Labor allows children under 14 years to work on family farms as long as such work does not interfere with the child's schooling.<sup>198</sup>

Children ages 14 to 18 years are permitted to work if they have completed compulsory schooling, which normally ends at 14 years. Children who have not completed such schooling may obtain permission to work in cases in which their income is necessary for family survival, as long as they continue their studies.<sup>199</sup> Children ages 14 to 18 years must present medical certificates that attest to their ability to work.<sup>200</sup> Such children are prohibited from working more than 6 hours a day and 36 hours a week and between the hours of 8 p.m. and 6 a.m. In some cases, however, children ages 16 to 18 years can work for longer hours and at night.<sup>201</sup>

The worst forms of child labor may be prosecuted under different statutes in Argentina. The Penal Code provides for imprisonment from 6 to 15 years for facilitating the prostitution of children under thirteen, and 4 to 10 years when it involves children from 13 to 17 years old. The publication and distribution of pornography, as well as participating or forcing another to participate in pornography, are also

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<sup>192</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

<sup>193</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>194</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

<sup>195</sup> U.S. Department of State, *Country Reports- 2004: Argentina*, Section 5.

<sup>196</sup> CONAETI, *Trabajo infantil rural*.

<sup>197</sup> Government of Argentina, *Ley de Contrato de Trabajo*, Ley No. 20.744, (May 13, 1976), Articles 187 and 189; available from <http://www.trabajo.gov.ar/legislacion/ley/index.html>. See also Government of Argentina, *Decreto Ley 326/56*, (1956), Article 2 as cited in CONAETI, *Legislación: Nacional*, [online] 2003 [cited May 26, 2005]; available from <http://www.conaeti.gov.ar/legislacion/nacional.htm>. The ILO's Committee of Experts has found that children who do not sign labor contracts are not covered by the Law on Labor Contracts. See CEACR, *Observation, Minimum Age Convention, 1973 (No. 138) Argentina (ratification: 1996)*, Geneva, 2004; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

<sup>198</sup> *Ley de Contrato de Trabajo*, Article 189. See also Government of Argentina, *Régimen Nacional de Trabajo Agrario*, Ley No. 22.248, (April 25, 1996), Article 107 as cited in CONAETI, *Legislación: Nacional*. The Government of Argentina has stated that, per section 112 of this law, children under 18 years are prohibited from hazardous work in agriculture, and thus work for children under 14 years should be considered "light work." The ILO's Committee of Experts has noted, however, that there is no provision in Argentine law to establish a minimum age for admission to light work. See CEACR, *Direct request, Minimum Age Convention, 1973 (No. 138) Argentina (ratification: 1996)*, Geneva, 2003; available from <http://webfusion.ilo.org>. See also CEACR, *Observation*.

<sup>199</sup> *Ley de Contrato de Trabajo*, Article 189.

<sup>200</sup> *Ibid.*, Article 188.

<sup>201</sup> Children may work 8 hours a day and 48 hours a week if they obtain the permission of administrative authorities. Boys over 16 years may work at night in some cases. See *Ibid.*, Article 190.

considered crimes, and carry penalties of 1 month to 4 years of imprisonment.<sup>202</sup> Argentina's Migration Law establishes penalties for trafficking of minors that range from 5 to 20 years.<sup>203</sup> The Law on Voluntary Military Service sets the minimum age for volunteering for the Argentine armed forces at 18 years.<sup>204</sup> Forced labor is also prohibited under Argentine law.<sup>205</sup> The Government of Argentina drafted a list of hazardous forms of child labor and conducted a poll requesting public comment on the list during 2005, but by the end of 2005, the list had not been enacted into law.<sup>206</sup> Since 1999, the Government of Argentina has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.<sup>207</sup>

The Government of Argentina has a national regime of sanctions for the infringement of labor laws, including child labor laws, with fines ranging from USD 350 to USD 1,750 for each child employed.<sup>208</sup> Provincial governments and the city government of Buenos Aires are also involved in the enforcement of child labor laws.<sup>209</sup> In addition, most illegal child labor can be found in the informal sector, where inspectors have limited authority to enforce the law.<sup>210</sup> Argentina's Congress recognized in 2004 that the country lacks sufficient inspectors and programs to detect child labor and that there is a lack of sanctions against employers for exploiting children. In addition, the Inspection Monitoring Unit lacks support to rescue and remove exploited children.<sup>211</sup> The U.S. State Department suggests that heavy caseloads for prosecutors, the slow judicial system, and police complicity hamper government efforts to combat trafficking.<sup>212</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The National Commission for the Eradication of Child Labor (CONAETI), headed by the Government of Argentina, worked with ILO-IPEC during 2005 to complete a national child labor survey, due to be

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<sup>202</sup> See Government of Argentina, *Código Penal*, Título III, (1921), Articles 125bis-129; available from [http://www.justiniano.com/codigos\\_juridicos/codigos\\_argentina.htm](http://www.justiniano.com/codigos_juridicos/codigos_argentina.htm).

<sup>203</sup> Government of Argentina, *Ley de Migraciones*, Ley 25.871, (January 1, 2004), Article 121; available from [http://www.jusneuquen.gov.ar/share/legislacion/leyes/leyes\\_nacionales/ley\\_25871.htm](http://www.jusneuquen.gov.ar/share/legislacion/leyes/leyes_nacionales/ley_25871.htm).

<sup>204</sup> Government of Argentina, *Ley del Servicio Militar Voluntario*, (1994), Article 8; available from <http://www.resdal.org.ar/Archivo/d000000a.htm>.

<sup>205</sup> U.S. Department of State, *Country Reports- 2004: Argentina*, Section 6c.

<sup>206</sup> Government of Argentina, *Report on the Efforts Carried Out by the Government of the Argentine Republic to Eliminate the Worst Forms of Child Labor*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Buenos Aires, August 29, 2005.

<sup>207</sup> ILO-IPEC official, email communication to USDOL official, November 14, 2005.

<sup>208</sup> U.S. Department of State, *Country Reports- 2004: Argentina*, Section 6d.

<sup>209</sup> Government of Argentina, *Pacto Federal de Trabajo*, Ley 25.212, (January 6, 2000), Anexo, Article 4; available from [http://www.jusneuquen.gov.ar/share/legislacion/leyes/leyes\\_nacionales/ley\\_25212.htm](http://www.jusneuquen.gov.ar/share/legislacion/leyes/leyes_nacionales/ley_25212.htm). See also U.S. Embassy- Buenos Aires, *reporting*, August 4, 2004.

<sup>210</sup> U.S. Embassy- Buenos Aires, *reporting*, November 14, 2001.

<sup>211</sup> U.S. Embassy- Buenos Aires, *reporting*, August 4, 2004.

<sup>212</sup> U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>. See also U.S. Department of State, *Country Reports- 2004: Argentina*, Section 5.

released in 2006.<sup>213</sup> CONAETI also prepared a national plan to combat child labor in the country, but it had not been formally enacted into law at the end of 2005.<sup>214</sup> The Government of Argentina participated during 2005 in an ILO-IPEC regional project to prevent and eliminate commercial sexual exploitation of children in the border area with Brazil and Paraguay.<sup>215</sup> As part of the project, the government is providing funding for the construction of a service center in the city of Puerto Iguazu for child victims of commercial sexual exploitation; construction began in November.<sup>216</sup> With support from the IDB, CONAETI continued to carry out a program in 2005 to train labor inspectors on child labor issues.<sup>217</sup>

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/11/1996	✓
Ratified Convention 182	2/5/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan		

The National Council for Childhood, Adolescence, and Family (CONAF), a federal government agency, is gathering information about the problem of commercial sexual exploitation of children in Argentina and, in Buenos Aires, operates a hotline and a network of offices to assist victims. CONAF also works with other agencies and organizations such as UNICEF to raise awareness about commercial sexual exploitation of children.<sup>218</sup> CONAF also operates a national program to assist street children to return to their families and to school.<sup>219</sup> The Ministry of Social Development provides funds to heads of households, including single mothers, who keep their children in school.<sup>220</sup>

The Ministry of Education has a number of programs through which it provides scholarships to enable older children and adolescents who have dropped out or are at risk of dropping out to complete compulsory schooling.<sup>221</sup> CONAETI has begun to participate in the planning of some scholarship programs, such as the Ministry's Integral Program for Educational Equality, in order to encourage a greater focus on working children in these programs.<sup>222</sup> The IDB is also providing financing to support the

<sup>213</sup> U.S. Embassy- Buenos Aires, *reporting*, August 4, 2004. ILO-IPEC, *Los Proyectos IPEC en breve: Encuesta y Observatorio de Trabajo Infantil*, Lima, n.d.; available from [http://www.oit.org.pe/ippec/doc/fichas/fic\\_sim\\_arg\\_1.pdf](http://www.oit.org.pe/ippec/doc/fichas/fic_sim_arg_1.pdf). See also Embassy of Argentina, email communication to USDOL official, January 6, 2006.

<sup>214</sup> ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha Pais: Argentina*, Lima, no date; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fichaargentina.doc>.

<sup>215</sup> The project was initiated in 2001 in Brazil and Paraguay with funding from USDOL. Funding to support the participation of the Government of Argentina is provided by the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguazú)*, technical progress report, Geneva, August 23, 2002, 3, 40. See also ILO-IPEC, *Los Proyectos IPEC en breve: "Programa Luz de Infancia, para la Prevención y Erradicación de la Explotación Sexual Comercial Infantil"*, Lima, n.d.; available from [http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fic\\_sex\\_arg\\_1.pdf](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fic_sex_arg_1.pdf).

<sup>216</sup> Embassy of Argentina, email communication, January 6, 2006.

<sup>217</sup> U.S. Embassy- Buenos Aires, *reporting*, September 30, 2005.

<sup>218</sup> CONAF, *Programa de capacitación y tratamiento de la violencia familiar, maltrato infantil y abuso sexual*, [online] [cited September 26, 2005]; available from <http://www.conaf.gov.ar/flash/inicial.html>. See also U.S. Department of State, *Country Reports- 2004: Argentina*, Section 5.

<sup>219</sup> CONAF, *Chicos de la calle*, [online] [cited September 26, 2005]; available from <http://www.conaf.gov.ar/flash/inicial.html>.

<sup>220</sup> UNICEF, *At a Glance: Argentina*, [online] [cited May 25, 2005]; available from <http://www.unicef.org.infobycountry/argentina.html>. See also Ministry of Social Development, *Plan Nacional Familias por la Inclusión Social*, [online] n.d. [cited September 26, 2005]; available from [http://www.desarrollosocial.gov.ar/site/planes/PF/pf\\_lanzamiento.asp](http://www.desarrollosocial.gov.ar/site/planes/PF/pf_lanzamiento.asp).

<sup>221</sup> Ministry of Education, *Programa Nacional de Becas Estudiantiles*, [online] n.d. [cited September 26, 2005]; available from <http://www.me.gov.ar/dnpc/pnbe/pnbe.html>. See also Ministry of Education, *Todos a estudiar: Programa Nacional de Inclusión Educativa*, [online] [cited September 26, 2005]; available from <http://www.me.gov.ar/todosaestudiar/index.html>.

<sup>222</sup> Government of Argentina, *Report filed with the ILO under Article 22*.

government in efforts to improve the quality and equity of the secondary education system.<sup>223</sup> The government also provides school meals and has received support from UNICEF to keep schools open during the December 2004 to March 2005 summer vacation.<sup>224</sup>

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<sup>223</sup> IDB, *Education System Improvement Program: Executive Summary*, AR-0176, Washington, D.C., September 2001; available from <http://www.iadb.org/exr/doc98/apr/ar1345e.pdf>. See also Ministry of Education, *Programa de mejoramiento del sistema educativo: Objetivos generales*, [online] [cited September 26, 2005]; available from <http://www.me.gov.ar/promse/paginas/objetivos.htm>.

<sup>224</sup> UNICEF, *At a Glance: Argentina*.